IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2436 OF 2007

Ramesh Krishna Gorivale. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

V.V.Purwant for the applicant.

Rajesh More, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 21st August 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State. Perused record and other papers.

2. The applicant is seeking bail in connection with C.R.No.I-54/2007 registered with Kalwa Police Station, Thane for the offences punishable under sections 376(g), 452, 323 read with section 34 of Indian Penal Code on the complaint lodged one Sou.Suvarna Parmesh Shinde on 27th February, 2007.

3. Reading of the complaint itself shows that the complainant was sleeping in the hut along with her husband. The applicant entered in the hut and after

uttering certain foul words he removed her clothes and committed rape on her. In her version, the reaction of the husband is absent. All this has happened, according to her, when she was sleeping next to her husband. The storey sought to be described in the complaint, if considered in its proper perspective, one has to reach to the conclusion that, prima facie; this a case for grant of bail in favour of the applicant. In the circumstances, I am inclined to grant bail to the applicant, subject to the following conditions:

(a) The applicant, arrested in connection with C.R.No.I-54/2007 registered with Kalwa Police Station, Thane shall be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the concerned Police Station once in a week, i.e. on every Friday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail.

The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

4. Application stands disposed of accordingly.

JUDGE